

PLAN OF SIEGEL DEFENCE UPSET BY BANK CLERK

A. W. McDonald Testifies
Note Involved Was Not
Loan Extension.

TRAIN BLOCKS MOVE TO SHIFT THE BLAME

GENESEE, Nov. 12.—As a climax of today's session in the trial of Henry Siegel here on a charge of grand larceny, the main defence of the department store proprietor who failed for millions was undermined. The testimony which upset the entire plans of Siegel's lawyers was given by Archibald W. McDonald, discount clerk of the National Bank of Commerce, during the last half hour of the trial.

With an account that was sometimes amusing and always equal to the occasion, McDonald invariably anticipated the significance of questions on cross-examination. Instead of weakening the witness, Siegel's counsel appeared to enhance the effect of McDonald's testimony. The defence, working on the theory that figures may be made to prove anything and are quite as advantageous to the interests of Siegel as to the State, had been seeking to convince the jury of the following state of affairs:

The indictment on which Siegel is being tried accuses him of the larceny of \$684.95 from the National Bank of Commerce on June 14, 1913, when a check was drawn on the bank to the order of Austin, Nichols & Co., wholesale grocers, and was cashed on that date. This money was part of a \$100,000 loan obtained by Siegel's Fourteenth Street Store from the National Bank of Commerce on January 7, 1913, in the form of four \$25,000 notes maturing on April 29, May 4, 9 and 14, which were renewed, thereby continuing the loan transaction. Consequently there was no larceny committed.

McDonald testified that on April 29, when the first \$25,000 note came due, it was cancelled before the new note for the same amount was made out, and the making of the new note constituted an entire new transaction. The loan was not continued or extended.

Allegations by Prosecution.

On June 14, 1913, the prosecution alleged the balance of the Fourteenth Street Store credit with the National Bank of Commerce was sufficiently impaired to make the drawing and cashing of the \$684.95 check constitute grand larceny. Assistant District Attorney Train said: "The defence has been forced into this position, had the \$25,000 note been discounted at any other bank except the National Bank of Commerce, a larceny would have been committed, but because the note was discounted by the bank with which the Fourteenth Street Store and Siegel & Vogel had always done business no larceny was committed."

See main points to which counsel for the defence rely to free Siegel of the grand larceny charge were emphasized all through the cross-examination of Henry Siegel.

Howell, who presided in the National Bank of Commerce, which was continued as soon as court was convened and lasted most of the day. Howell, the bank witness for the State, told yesterday how the bank had been misled into a loan of \$100,000 by representations of the prosperity of the business enterprises of Siegel and Vogel when they were really on the verge of bankruptcy.

Ross M. Lovell, associate counsel with John B. Stanchfield, who conducted the questioning for Siegel, tried to prove, first, that the National Bank of Commerce had made \$10,735 in interest from the Fourteenth Street Store in ten years on money loaned to it; that it had also made \$22,293 in interest on the store's average daily bank balance of \$38,150 during the same ten years; that it had received back \$24,439.21, or 5 per cent, of the amount the store owed on the four notes discounted by the bank when the store went into the hands of receivers on December 29, 1913; and that the bank also expects to get more money from the store through the reorganization of the Siegel enterprises.

Secondly, the defence tried to prove through Howell's testimony that the \$100,000 loan, of which the \$684.95 is a part, was merely a continuation of the yearly line of credit of \$100,000 established by Siegel and Vogel with the bank ten years ago; that therefore the loan on January 7, 1913, was not a new transaction for the rediscounting of the four notes, and that the \$100,000 loaned in January was merely a continuation of the yearly line of credit.

Mr. Train, however, in commenting on the testimony of his witness, declared that the evidence adduced by the defence went a long way to prove the larceny of \$684.95. He also succeeded in blocking a move by the defence to shift responsibility to Siegel as well as Vogel, by establishing that Siegel as well as Vogel signed an alleged false statement in 1910. The prosecutor also got a favorable ruling from Judge Clark on his conspiracy allegation when the court decided that if two or more men enter into a conspiracy to commit crime the actions of one are as guilty as those of another.

Documentary Proof Introduced.

In his efforts to prove that the \$100,000 loan of January 7 was merely continued and that no new transaction was made when the four notes were discounted on September 12, 19 and 26, and again on December 10, 23, 26 and 30, Mr. Lovell tried to get Howell to admit that no money ever left the bank and that the money matter was only a bookkeeping transaction. A mass of documentary proof was identified and introduced to substantiate the defence's claim.

"Didn't Mr. Vogel, the partner of Mr. Siegel, come to the bank and tell Mr. Alexander and ask you to renew the maturities coming due?"

"I would say yes," answered Mr. Howell.

When asked if that interview did not

BOY DIES TO SAVE HIS SISTER.

Brooklyn Student at Cornell
Drowned in Beebe Lake.

ITHACA, N. Y., Nov. 12.—Paul S. Schwarzbach, 19 years old, a sophomore in the College of Agriculture at Cornell, was drowned here this afternoon while trying to save his sister, Miss O. P. Schwarzbach, both of Brooklyn, who had fallen from a cliff into the inlet to Beebe Lake.

The two were taking part in a picnic on the south bank of the gorge when Miss Schwarzbach accidentally stepped over the edge of the ravine and fell thirty feet into the water. Her brother immediately dived after her, but as he could not swim a stroke went to the bottom, and it was an hour and a half before fellow students could recover his body.

The sister, who could swim, kept afloat until C. E. Nagel, a graduate student, was lowered by means of a rope from the bank above and rescued her.

This is the third fatal accident of this kind on the south bank of the Beebe Lake gorge.

Paul S. Schwarzbach and Miss Schwarzbach are the children of the Rev. C. H. Schwarzbach, pastor of the Fifth German Presbyterian Church in Brooklyn, whose home is at 1154 Halsey street. The Rev. Mr. Schwarzbach said over the telephone last night that he had just received word that his son had been drowned and that his daughter was in the Cornell Infirmary.

RICH BOSTON DESIGNER SHOTS THREE ON SHIP

Kills Southern Publisher,
Wounds New Yorker and
Mohawk's Captain.

CHARLESTON, S. C., Nov. 12.—Charged with murder on the high seas, a passenger on the Clyde liner Mohawk, said to be George Ratchford Perkins, a wealthy designer of Boston, was held for trial by the United States authorities after a preliminary inquest here to-night.

Perkins killed F. W. Hinman, business manager of the Florida Times-Union and president of the Southern Newspaper Publishers Association, when the Mohawk was off the North Carolina coast last night, and seriously wounded Capt. Andrew D. Ingram and B. H. Wright, a passenger, of Ithaca, N. Y. Capt. Ingram was wounded in the abdomen and Wright in the thigh. Both are expected to recover.

Hinman and his wife, Wright and Capt. Ingram were sitting in the company of the Mohawk when Perkins, clad in pajamas and a raincoat, approached. The captain told him he must wear more suitable apparel if he wished to remain. Perkins immediately drew a revolver and began firing.

Hinman was struck twice in the abdomen. Capt. Ingram was hit once and Wright a fifth bullet went into Perkins is said to have turned the weapon on himself, but no more bullets remained.

Perkins is confined in the insane ward of a local hospital. His wounded victims are in the same institution. Neither of the three attended the hearing. Perkins apparently does not realize what has happened.

S. K. Wentworth of Connecticut, Perkins' roommate on the Mohawk, testified that he became suspicious of Perkins when the latter took to excess what he called headache powders. Mr. Hinman died twelve hours after being shot. His body was taken late to-night to Jacksonville, Fla., accompanied by his wife and a son-in-law.

Nov. 12.—George Ratchford Perkins is a wealthy designer and interior decorator of this city and Swampscott, who has spent much of his time in recent years in travel. He is a graduate of the Massachusetts Institute of Technology class of 1891 and the son of Mrs. C. B. Perkins of 387 Beacon street, who has a summer estate at Swampscott.

For a number of years he was associated with Peabody & Stearns, architects, of this city. He has been around the world several times and was in Europe when the war broke out, and upon his return to Boston exhibited a letter from one of King George's secretaries thanking him for a contribution to a Red Cross fund.

He left Boston on Monday, bound for Florida to fish for tarpon.

TENNESSEE NEARLY HIT MINE.

Letter From Wireless Operator Tells
Of Narrow Escape.

ST. CLAIRSVILLE, Ohio, Nov. 12.—That the United States cruiser Tennessee escaped disaster in the English Channel by only a hundred yards in the story told by Fred Lindemuth of Barnesville, Ohio, a wireless operator on the cruiser, in a letter to his parents.

The operator says the vessel was at anchor near a British squadron in the English Channel a short time ago when the British commander learned that submarines were at work near by. He warned the American commander and advised him to weigh anchor and steam to a place of safety behind the British fleet.

The commander of the Tennessee at first looked with favor on the plan, but later repented that he had not ordered the vessel to be hidden behind those of another nation and decided to steam for another port pending the expected naval engagement.

The Tennessee had made about half the distance to the next port when a British revenue cutter halted her with the report of German mines along the course the American ship was steaming.

An investigation was made and a mine was found floating less than 100 yards directly ahead of the big battleship. Had not the British cutter been there to report the letter, the Tennessee would have certainly gone down.

JOHN D. JR., KNITTING SHAWL.

Piles Needles at Hot Springs to Aid
War Sufferers.

HOT SPRINGS, Va., Nov. 12.—The fact that John D. Rockefeller, Jr., is knitting a shawl for the Red Cross, has been observed by scores of people in the lobby of the Hotel Homestead Hotel the last two nights. It is of heavy wool.

Knitting is a new accomplishment for Mr. Rockefeller. He had never tried it until last night, when he was sitting with his wife, W. H. Chesbrough, Mrs. Richard Peckin, and Mrs. N. W. Chadwick, the women all knitting, as most of them here are doing constantly. Some one suggested that inasmuch as the Rockefeller Foundation is giving large amounts for relief of the war sufferers the men might as well help with the work as read.

Needles and yarn were produced and Mr. Chesbrough made a feeble attempt.

Mr. Rockefeller, however, went right to work with spirit, soon got the hang of it and persevered for two hours.

To-night he was continuing it and had about a yard done.

No Thanksgiving table complete without a bottle of ANGSTURA BITTERS.—Adv.

MRS. WAGNER NOW INSISTS ON GOING TO CLASS

Teacher-Mother to Leave
Baby for School Monday
—Hopes to Save Job.

MISS RODMAN IN PERIL FOR DEFENCE

Mrs. Lora M. Wagner, who was suspended for neglect of duty by the Board of Education because she was out of school one week while her son was born, intends to go back to school on Monday and begin teaching again despite her suspension.

Meanwhile, Miss Henrietta Rodman, who has been championing Mrs. Wagner's cause, has got into trouble with the board because of a letter she wrote to a morning paper calling the board's policy "mother baiting," and will now have to answer charges of gross misconduct and insubordination.

"Mrs. Wagner will return to school without fail Monday morning," said her husband at his home in Tottenville yesterday. "We shall fight this case through to the end and if need be carry it to the courts."

"Of course, we cannot forcibly prevent Mrs. Wagner from entering the school," said Dr. Ira S. Wile yesterday. "as it is a public institution. She can even enter her class room as a visitor, but the principal can certainly prevent her from teaching her classes. We cannot think she would be so foolish as to insist on doing this when she is already suspended."

"We hope that Mrs. Wagner will continue to act in a ladylike, dignified and impersonal way," said Isadore M. Levy, when questioned as to his attitude, "and while she may believe it necessary to maintain her rights I should not advise her to do anything that will prejudice the board and especially the public toward her. Whether this suspension is right or wrong she should abide by it and not attempt to teach till it is run out."

Expects Action by Board.

"It will only be a short time no question, as, in my mind, there is no objection that a resolution will be adopted by the board to deal with the teacher-mother case. I think the board has ordered her suspension merely to give themselves time to turn around, as it were. Just what the resolution on the subject will be I cannot say, as I have heard several discussed and different members differ as to what the period of time for a leave of absence should be. An investigation of similar laws in other States is now being made."

In response to the question whether twelve was justified in suspending a teacher when she had been absent less than the ten days allowed by the laws for illness both Mr. Maxwell and Mr. Churchill said on Wednesday that the board was expected in suspending a teacher for one day's absence if it saw fit.

"Of course," said Mr. Levy, "they can suspend Mrs. Wagner after two days absence for neglect of duty, and if she can't teach her absence satisfactorily to the board it is not neglect of duty."

The opinion of Mayor Mitchell, expressed yesterday, is expected to have a strong influence on the action of the Board of Education. The Mayor said: "It is my strong impression that the Board of Education will adopt some kind of policy granting some kind of leave of absence to teachers. This statement, together with the letter Mayor Mitchell wrote President Churchill last Tuesday, leaves little doubt as to Mayor Mitchell's attitude on the 'teacher-mother' question."

Members of the board have been resolutely silent on the subject since the exciting meeting of the board on Wednesday.

The situation is complicated by the fact that Miss Henrietta Rodman, Mrs. Wagner's most ardent champion, and a teacher in the Wadleigh High School, is under charges of insubordination.

Charges Against Miss Rodman.

Supt. Maxwell wrote to District Supt. Bardwell instructing him to prefer charges of insubordination and gross misconduct against her, but he has not yet received further notice from the Board of Education or from the Superintendent of High Schools and Training Schools, Arthur S. Somers.

Miss Rodman will be tried before the committee on high schools. "If she is found guilty of this charge," said Isadore M. Levy, "which I very much doubt, she may be ordered to resign her position, or longer, or she may even be dismissed. I myself regret that Miss Rodman has descended from her impersonal and splendid defense of Mrs. Wagner to antagonize the board by that letter. Though I may add that members of the board have used almost the same expressions themselves, though not for publication and not of course as subordinates of the Board of Education."

Miss Rodman has taught for the last ten years in the Wadleigh High School. She was married to Herman Rodman only a little over a year ago, but uses her maiden name in her profession. She has two adopted children. Her husband is an assistant in the department of woods and forest in the Museum of Natural History.

A big open meeting to discuss the teacher-mother question will be held to-night at the Washington Irving High School auditorium. Dr. Ira S. Wile, John Martin and several others will speak.

There appears to be a possibility that the teacher-mother question may be soon settled by a higher authority than the New York City Board of Education. A despatch from Albany last night says that State Commissioner of Education John Ruston Finley may override the action of the New York City Board of Education on the ground that the board has not exercised a reasonable discretion in disciplining teacher-mothers by refusing them leaves of absence for physical disability.

In a letter to Mayor Mitchell the Rev. John Haynes Holmes, minister of the Unitarian Church of the Messiah, said yesterday:

"I desire to congratulate you upon the stand which you have just taken in this intolerable 'teacher-mother' controversy, which has for so long been vexing the

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CHAS. E. MATTHEWS—DESKE.

Nov. 12. 25th St. Complete office outfit.

Adv.

CZAR SWEEPS 15 MILES INTO EAST PRUSSIA

Russians Take Two Positions
and Fighting Starts Along
100 Mile Front.

GERMAN TROOPS MASS FOR SILESIAN BATTLE

Special Cable Despatch to THE SUN.

PETROGRAD, Nov. 12.—A statement issued by the Russian General Staff to-night shows that the Russian army invading East Prussia has maintained its advance until it now holds a line from Stalluponen, southward to Lyck, thence southwestward to Johannesburg, then east to Soldau, the whole line being about fifteen miles within German territory.

There is fighting along this front, which is about 100 miles long. The General Staff announces that the Russians have reached two new positions, Johannesburg, which is between Lyck and Soldau, and Kruglinnen, in the region of Gumbinnen and Stalluponen.

The official statement indicates that the Russians have reached the frontier of Posen and Silesia. There has been fighting in the region of Kalisz and Neschawa, on a line of the outer defence of the German provinces.

Progress of the Russian armies in Galicia is indicated by the announcement that the Russians are attacking in the Sanok region, which indicates that their westward advance in Galicia is now on a line north to south of Rzeszow and Sanok. The siege of Przemyśl has been resumed.

This places the advancing Russian force in Galicia about seventy-five miles east of Cracow, while a Russian army approaching in Poland, from the Vistula, is reported to be within twenty or twenty-five miles of the city and is attacking the outer defences.

The text of the official announcement was as follows:

An engagement has developed along the front of Stalluponen, Kruglinnen and the region of Soldau. Our troops have occupied Johannesburg.

There has been fighting of secondary importance in the districts of Kalisz and Neschawa, where the enemy's advance guards were endeavoring to make headway. In the Carpathians, the Austrian rear guards who were in position on the fords of the Upper Save in the Sanok region were attacked by our troops.

The siege of Przemyśl, which was suspended during the period of the Austro-German offensive, has been resumed.

MASSING NEAR BRESLAU.

Fugitives Report German Concentration in Silesia.

Special Cable Despatch to THE SUN.

LONDON, Nov. 12.—It is reported to-night from Petrograd that an Austrian army retreating in Galicia has been caught between two Russian armies and must surrender or accept battle.

The supposition here is that the impetuous force is the command of Gen. Dankl, which retreated up the Vistula from Ivankograd and New Alexandria after the collapse of the Austro-German invasion of Poland. Instead of co-operating with the Germans in a withdrawal toward Cracow and Czenstochova the Austrians appear to have followed their own course in an attempt to withdraw rapidly across western Galicia and escape through the passes of the Carpathians into Hungary.

The news is partial confirmation of the report transmitted by correspondents in Petrograd that there was a quarrel between Gen. Dankl and the German commander, Gen. von Hindenburg, due to the reported callousness of the Germans in forcing the Austrians to accept the perilous and harshships of a forced march.

The fugitives state that the Germans are concentrating their armies to the east and south of Breslau to offer battle in the open field.

A few days ago, the correspondent learns, the Kaiser spent seven hours in Breslau, calming the inhabitants and promising them that the Russian army would be crushed.

Many fresh troops composed of recruits and reserves are arriving at Breslau.

The flight of the civilians of Silesia to Saxony and Brandenburg is increasing considerably.

There is more than Russian news to indicate that the Austrian strength in Galicia has gone to pieces. In an official statement by the Austrian General Staff it is admitted that the Austrians retired voluntarily before a Russian attack in central Galicia and that the Russians have again surrounded Przemyśl. The Austrian Government locates the Russian advance guard in the region of the lower Wislola River.

As regards the campaign in East Prussia the statements issued by the German and Russian General Staffs are conflicting, but there is no denial made by the Germans that the Russians occupy some

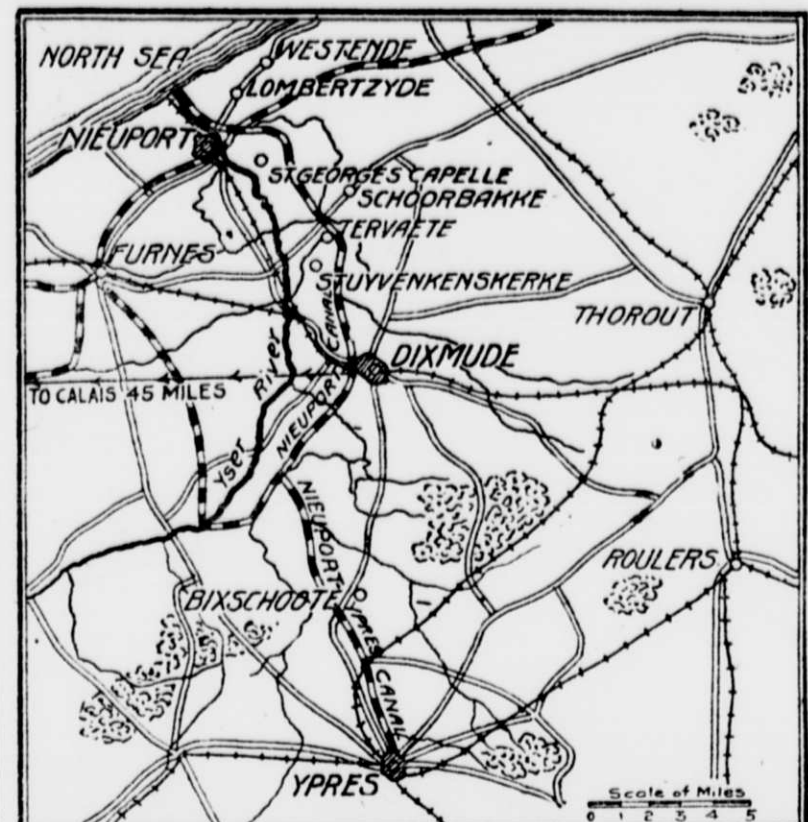
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CHAS. E. MATTHEWS—DESKE.

Nov. 12. 25th St. Complete office outfit.

Adv.

GERMANS ARE DRIVEN BACK; INVADERS HOLD ONLY ONE POINT WEST OF THE YSER



The most important movement on the western battlefield is along the Yser, in the neighborhood of Diksmuide. The German official statement says that the German troops succeeded in driving the Allied forces across the river all along the line and that the Yser was cleared of French and British entirely to the north of Diksmuide. The statement also says that favorable progress has been made south of Diksmuide and that prisoners and guns have been captured. The French official communication last night says that the Germans attempted to cross the river from Diksmuide by a night attack and that they were repulsed. The French took the offensive and threw the Germans back at every point except at one place, where they still occupy two or three hundred meters on the left bank.

Sydney Drove the Emden Ashore in Just 80 Minutes

Australian Cruiser Kept Out of Range and Simply Shot
Antagonist to Pieces—Was Hit by Only
Two Shells.

Special Cable Despatch to THE SUN.

LONDON, Nov. 12.—The Daily Chronicle's correspondent at Keel, in the Cooch Islands, Frederick Pollock, who was an eye witness of the destruction of the German cruiser Emden by the Australian cruiser Sydney last Monday morning, sends a detailed account of the affair under date of Thursday.

The islands are inhabited only by Malays, except for the staff of the Eastern Telegraph Company's cable and wireless station on Direction Island, one of the group, and the descendants of June Cunies Ross, a Scottish naval officer who settled in the islands and founded a line of "uncrowned kings" some ninety years ago.

Little news of the war reached the islands except official bulletins, which were relayed through the cable station. Then came a rumor that the cable company was sending rifles and orders that the beach should be patrolled to guard against Germans who might come and try to cut the cable and destroy the wireless station. Singapore later informed the islands that a German cruiser was on the way toward them, but except for one of the cable operators seeing what he thought were searchlights at sea one night toward the end of August, nothing came of this report.

The Emden, with four funnels—the fourth obviously merely a painted canvas dummy arrived at full speed at the entrance of the lagoon at 6 o'clock Monday morning. She flew no flag, and this fact, together with the dummy funnel, aroused the suspicions of the cable staff.

Cable instruments wrecked. The cruiser immediately lowered an armored launch and two boats, and landed three officers and forty men, fully armed and equipped with four Maxim guns. The Germans rushed to the cable station, expelled the operators, smashed the instruments, confiscated the weapons of the staff and put armed guards in all the buildings.

In spite of the excitement outside, work went on as usual in the cable office until the Germans rushed in, and a general call for help was sent out just before the wireless station was blown up.

The Germans were most civil, but put the staff under armed guards while the instruments were destroyed. Meanwhile the crew of the launch grappled for the cables, but failed to cut them. The electrical stores then were blown up.

The Emden's siren blew at 9 o'clock, and the Germans on shore hurried to the boats, but the Emden started immediately, leaving the boats behind. The appearance of a warship to the eastward coming at full speed in pursuit explained the departure. This ship turned out to be the Sydney.

The Emden fired the first shot at a range of about 3,700 yards while steaming north at her highest speed. The Emden's firing at first seemed excellent and the Sydney's rather erratic. It was learned afterward that the latter was due to the fact that the Sydney's rangefinder had been put out of action by one of the two shots the Emden got home.

Emden Set on Fire.

The Sydney's gunners soon overcame the difficulties caused by the smashing of the rangefinder and before long two of the Emden's funnels had been shot away. Her mast was lost at the begin-

Kaiser's Army Fails, Paris
Says, in Advance From
Diksmuide.

YPRES EVACUATED BUT QUICKLY RETAKEN

British Forces Repulse At-
tack to the East of
Armentieres.

BATTLE IN NORTH IS RAGING FIERCELY

Official Report of Germans
Says Attack on Ypres Is
Progressing.

ALLIES REPORTED IN OSTEND AGAIN

Special Cable Despatch to THE SUN.

ROTTERDAM, Nov. 12.—People crossing the frontier report they have seen forces of the Allies enter Ostend.

Special Cable Despatch to THE SUN.

PARIS, Nov. 12.—The Germans attempted on Wednesday night and yesterday to swarm across the River Yser and beat back the Allies from Nieuport to Ypres. They were repulsed to the right bank at every point except one, presumably between Diksmuide and Ypres, where they held last night about 250 yards of the left bank.

The Government in its reports of the last two days fighting frankly admits the success of the Germans in throwing a detachment across the Yser following their occupation of Diksmuide, but plainly indicates that the Allies have suffered no important reverse and that the Allies' line bars the way to Dunkirk and Calais as determinedly as ever.

The capture of Diksmuide and the crossing of the Yser at one point appear to be merely new fluctuations of the battle. The Germans had entirely crossed the Yser once before, only to be driven back, and both Allies and Germans have held Diksmuide more than once in the desperate conflict of the last few weeks.

The essential point of the day's reports is that the Germans have not been able to profit by their slight advance at the points mentioned in Belgium, although they have attacked fiercely night and day. The Allies could not be dislodged from their stronghold at Ypres and continue a resolute defence east of Armentieres.

THROWN BACK OVER YSER

Germans Hold Only One Point on
Left Bank.

Special Cable Despatch to THE SUN.

PARIS, Nov. 12.—The Government report to-night contained an admission that a force of Germans now holds a short line on the left bank of the Yser, but that a general effort by the Germans to capture the left bank was repulsed. The attack was made on Wednesday night. The indication is that the attack as a whole, failed. The allied line made further advances at the old centre to-day while establishing their hold on positions newly taken. The text of the report, issued at 10:35 P. M., was as follows:

On the north the enemy tried to debouch from Diksmuide by a night attack on all our positions and was repulsed.

We have taken the offensive again against the enemy, who had crossed the Yser, and have thrown him back at every point except at one place, where he still occupies two or three hundred meters on the left bank.

At the centre we have gained some ground in the region of Tracout Val, northeast of the forest of Loigne.

In the Argonne very serious attacks of the Germans have resulted in nothing.

The report of the afternoon stated that the battle in the north continues to be indecisive, with attacks by the Germans and counter attacks by the Allies not changing materially the battle front as it has existed for several days. Near Armentieres the British repulsed the Prussian Guard. In the old centre the Allies advanced after hand to hand fighting. At the east of the line there have been no important operations. The report was issued at 3 P. M., and was as follows:

On our left wing the fighting still continues with the same violence and persistence with alternate advances and retirements without marked importance. Speaking broadly, the battle front has not varied greatly since November 10. In the evening of yesterday it extended along the line from Lombertzyde to Nieu